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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,832	02/11/2004	Ikuya Yagisawa	16869P-105400US	5908
20350	7590	06/26/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			SURYAWANSHI, SURESH	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/777,832	Applicant(s) YAGISAWA ET AL.	
	Examiner Suresh K. Suryawanshi	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/11/04, 11/1/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 6). Other: IDS submitted on 3/17/05,1/23/06.

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 14-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 14-20 are directed towards a program product.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 7, 10, 14, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fisk et al (US Patent Pub. No. 2004/0068672; hereinafter Fisk).

5. As per claims 1, 7 and 14, Fisk discloses a storage system connected to a computer comprising:

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a plurality of logical units comprising disk devices [Fig. 4; paragraphs 0006-0007, 0013, 0041],

wherein said storage system receives an instruction from said computer to turn on or off a disk device corresponding to said logical unit [Fig. 4; paragraphs 0009, 0012, 0017, 0025, 0037; where a controller providing instructions to a relay board to turn on or off a disk device]; and

wherein, based on said instruction, said storage system turns on or off the disk device corresponding to the logical unit independently of disk devices corresponding to the other logical units [paragraphs 0009, 0012, 0017, 0025, 0037].

6. As per claims 4, 10 and 17, Fisk discloses when said computer writes or reads data, said storage system receives an instruction to turn on or off a disk device corresponding to a logical unit storing data to be written or read from said computer [Fig. 4; paragraphs 0009, 0012, 0017, 0025, 0037]; and wherein said storage system turns on or off said disk device corresponding to said logical unit based on said instruction independently of disk devices corresponding to the other logical units [Fig. 4; paragraphs 0009, 0012, 0017, 0025, 0037].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 12, 13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisk et al (US Patent Pub. No. 2004/0068672; hereinafter Fisk).

9. As per claims 6, 12, 13, 19 and 20, Fisk discloses a storage system comprises of several disk devices and where a controller providing instructions to a relay board to turn on or off selected disk devices [Fig. 4; paragraphs 0009, 0012, 0017, 0025, 0037]. Fisk does not expressly disclose about a management terminal connected to the system. However, the disclosed storage system by Fisk can be connected to any terminal including a management terminal as shown in figure 4 that the controller can include a network interface for linking the controller to a selected network [paragraph 0042]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect to a management terminal. Moreover, having a management terminal will clearly provide the benefit of monitoring and controlling the system remotely.

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10. Claims 2-3, 5, 8-9, 11, 15-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisk et al (US Patent Pub. No. 2004/0068672; hereinafter Fisk) in view of Birrell et al (US Patent 6,332,175; hereinafter Birrell).

11. As per claims 2, 5, 8, 11, 15 and 18, Fisk discloses a storage system comprises of several disk devices and where a controller providing instructions to a relay board to turn on or off selected disk devices [Fig. 4; paragraphs 0009, 0012, 0017, 0025, 0037]. Fisk does not expressly disclose upon completion of writing data to receive an instruction to turn off the disk device. However, Birrell clearly discloses that it is well known in the art to power off the disk upon completion of task to save power [col. 6, lines 14-16, 29-34]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed to disk devices and power conservation. Moreover, powering off the disk device upon completion of writing or reading would clearly add to the power conservation as there is no need to waste more power if the disk device is not needed anymore.

12. As per claims 3, 9 and 16, Fisk discloses a storage system comprises of several disk devices and where a controller providing instructions to a relay board to turn on or off selected disk devices [Fig. 4; paragraphs 0009, 0012, 0017, 0025, 0037]. Fisk does not expressly disclose about a backup server connected to the system. However, the disclosed storage system by Fisk can be connected to any computer including a backup server as shown in figure 4 that the controller can include a network interface for linking the controller to a selected network [paragraph 0042]. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to connect to backup server. Moreover, having a backup server connected to the storage system clearly make sense as the storage system provides a large storage area for storing data.

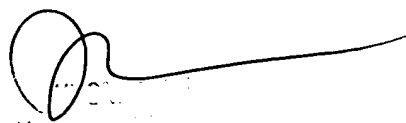
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K. Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sks



S. K. Suryawanshi